

# **EXHIBIT 4**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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)  
)  
In re Wells Fargo Mortgage ) Case No.  
Discrimination Litigation ) 3:22-CV-00990-JD  
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-- C O N F I D E N T I A L --

DEPOSITION OF AARON BRAXTON  
Tuesday, November 7, 2023  
Volume I

Reported by:  
KATHLEEN E. BARNEY  
CSR No. 5698

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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)  
In re Wells Fargo Mortgage ) Case No.  
Discrimination Litigation ) 3:22-CV-00990-JD  
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Deposition of AARON BRAXTON, Volume I, taken  
on behalf of Defendant, beginning at 10:10 a.m. and  
ending at 5:52 p.m. on Tuesday, November 7, 2023,  
before KATHLEEN E. BARNEY, Certified Shorthand  
Reporter No. 5698.

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1 Q When did your banking relationship with Wells  
2 Fargo begin?

3 A 30 years ago.

4 Q 30 years ago would have been 1993?

5 A Yeah, probably. Yeah. 11:17:55

6 Q And what was the type of relationship you had  
7 with Wells Fargo -- I just want to make sure I'm  
8 clear. Was it like a banking account? Was it  
9 loans? Can you explain what the relationship was 30  
10 years ago? 11:18:11

11 A I had a savings account, checking account.

12 Q So you had a savings and checking account  
13 with Wells Fargo way back in 1993?

14 A Yes. Approximately 1993.

15 Q Okay. A few more questions here about the 11:18:51  
16 complaint that I'm going to show you, and then we  
17 can take our first break.

18 This is already marked as Exhibit 75 in this  
19 case.

20 MR. ELLIS: I have this. 11:19:22

21 MS. NEWSOME: Okay.

22 BY MS. NEWSOME:

23 Q Mr. Braxton, can you tell me what this  
24 document is?

25 Well, first, have you seen this document 11:19:27

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1 A Both of the mortgages.

2 Q And when you say "paid bills on time," you're  
3 just talking about bills that -- credit cards and  
4 other bills? You're not talking about the mortgage  
5 as a bill, are you? 11:48:28

6 A The mortgage is absolutely the biggest bill.

7 Q Understood. I'm just trying to understand  
8 what all is entailed here by "bills."

9 A I paid all my bills on time. And that  
10 includes my two mortgages with Wells Fargo. 11:48:44

11 Q Thank you.

12 Now, you say your banking relationship  
13 started with Wells Fargo about 30 years ago, and  
14 that was through a savings and checking account,  
15 right? 11:49:07

16 A Yes.

17 Q Do you still have a savings and checking  
18 account with Wells Fargo?

19 A Yes.

20 Q When did your relationship -- I'm sorry. 11:49:13

21 When did you acquire a loan with Wells Fargo?

22 A In 2002.

23 Q And that was in regard to what?

24 MR. ELLIS: Objection. Vague.

25 But you can answer. 11:49:56

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1 bought by or -- I refinanced, if it's my  
2 recollection, with New Freedom, and then Wells Fargo  
3 purchased it from them.

4 BY MS. NEWSOME:

5 Q Okay. And when Wells Fargo purchased the 11:52:19  
6 loan from New Freedom, as you can recall, were you  
7 aware at that time that they made that purchase?

8 A I was not aware until I received  
9 documentation in the mail.

10 Q But you received some documentation kind of 11:52:34  
11 shortly after the purchase occurred?

12 A Yes. That said that this is -- your new loan  
13 payment is going to be going to Wells Fargo.

14 Q Okay. When did you receive that  
15 documentation? 11:52:47

16 A I cannot --

17 Q Okay. Maybe just can you give me a year? Do  
18 you recall what year it was?

19 A To the best of my recollection, it was 2002.

20 Q Have you ever done any refinancing with Wells 11:53:19  
21 Fargo prior to this lawsuit?

22 A No.

23 Q So in the 30 years that you've had a banking  
24 relationship with Wells Fargo and have been -- and  
25 then subsequently paying on your mortgage through 11:53:39

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1 Wells Fargo, any other complaints of discrimination  
2 in those years?

3 A No.

4 Wait. Let me -- you're talking about in  
5 terms of my savings account, checking account? Or 11:53:55  
6 are you talking in terms of the loan?

7 Q Yes. So I'm talking about prior to this  
8 lawsuit, you claim that you had a 20-year  
9 relationship with Wells Fargo in paying on the  
10 mortgage. And then I found out that you had even a 11:54:14  
11 prior relationship with them through savings and  
12 checking, right? You follow me on that?

13 A Yeah. Uh-huh.

14 Q So in -- prior to this lawsuit, over your  
15 entire banking relationship with Wells Fargo -- and 11:54:29  
16 let me not say prior to this lawsuit. Let me just  
17 say prior to the point in which you sought to  
18 refinance your home in August of 2019, prior to  
19 that, any other claims on your behalf of  
20 discrimination -- discriminatory practices that you 11:54:50  
21 were subjected to by Wells Fargo?

22 A So there would be no need. I was giving them  
23 my money. I was -- as long as I was being a patron  
24 of theirs, there would be no need for them to  
25 discriminate. So they didn't have to discriminate. 11:55:10





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1 A Yes.

2 Q And all -- I just want to be clear. All  
3 payments are going to Wells Fargo?

4 A Yes.

5 Q All right. I show you what I'm marking as 12:00:47  
6 Exhibit 162.

7 (Exhibit 162 was marked for identification  
8 and is attached hereto.)

9 BY MS. NEWSOME:

10 Q Mr. Braxton, have you seen this document 12:01:26  
11 before?

12 A This is small print. Oh, my God.

13 I have seen it.

14 Q Okay. Do you recognize this to be a note  
15 dated February 14, 2003, for the property [REDACTED] 12:01:50  
16 [REDACTED], Los Angeles, where you are listed as  
17 the borrower and the lender is First Magnus  
18 Financial Corporation? And your name would be on  
19 the back here.

20 A Yes. 12:02:10

21 Q And this is February 14, 2003, right?

22 A Yes.

23 Q So do you recall what took place at this  
24 time? Because you did purchase your house in 2000,  
25 you say. 12:02:25

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1 A This is I guess -- this is -- it's a  
2 refinance, I guess. Oh, the loan is at 6 percent.  
3 Yeah.

4 Q Okay.

5 A Yeah. 12:02:40

6 Q So this is a refinancing?

7 A This is -- I guess when I refinanced from  
8 Countrywide to these people, yeah.

9 Q And your name is on the back here, your  
10 signature on the back page there? 12:02:55

11 A Yes.

12 Q And I'm -- and so now you know my -- a little  
13 bit of my confusion as before when I was saying  
14 2003, because I was looking at this note that says  
15 2003. 12:03:21

16 A Uh-huh.

17 Q But you have confirmed today that you have  
18 a -- you purchased the property in 2000 through  
19 Countrywide organization?

20 A Yeah. 12:03:34

21 Q Okay. All right.

22 I'll show you also just so we can get this --  
23 to make sure we have accurate information here, I'm  
24 showing you what I'm marking as Exhibit 163.

25 ////

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1 (Exhibit 163 was marked for identification  
2 and is attached hereto.)

3 BY MS. NEWSOME:

4 Q Do you recognize this document?

5 A Yes. 12:04:23

6 Q Do you recognize this to be a deed of  
7 trust --

8 A Yes.

9 Q -- for the property of 4306 -- I just forgot  
10 it that quick -- [REDACTED] -- 12:04:28

11 A [REDACTED].

12 Q [REDACTED].

13 A Uh-huh.

14 Q And this one is dated February 14, 2003,  
15 correct? 12:04:37

16 A Yes. So I must have been mistaken. Instead  
17 of 2002, like I thought, then it was just refinanced  
18 in 2003. And Wells Fargo bought it in 2003 from  
19 these people.

20 Q Okay. No issues with me. I'm just -- these 12:04:58  
21 are just documents I'm trying to make sure I --

22 A Yeah, yeah. Absolutely.

23 Q Okay.

24 A No, I just -- I'm looking at it and I thought  
25 it was 2002, but I guess it was 2003. 12:05:07

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1 friend or --

2 A Yes.

3 Q Your sister, I think it was you said?

4 A Yes.

5 Q Okay. And have you ever been a class 01:17:55

6 representative in a lawsuit before, outside of this

7 one?

8 A No.

9 Q You mentioned earlier that in August of 2019  
10 you called Wells Fargo and you were requesting 01:18:42  
11 options related to refinancing your property at [REDACTED]  
12 [REDACTED], correct?

13 A I was requesting to refinance my home. They  
14 gave me the options.

15 Q Okay. And do you know -- can you recall who 01:19:00  
16 it was that you talked to first?

17 A I can recall that I talked to a male first, I  
18 believe.

19 Q You don't know his name?

20 A I do not know his name, or don't recall. 01:19:12

21 Q Okay. So when you made that phone call  
22 asking for -- asking to refinance your home, your  
23 testimony is that someone responded with other  
24 options?

25 A Yes. 01:19:29

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1 personally?

2 A If it is in the discovery documents, then  
3 yes. I don't recall if -- I recall the denial  
4 letters that I -- some of the denial letters that I  
5 received. I don't recall the application process. 01:25:12  
6 You guys should have record of that.

7 Q Right. And my question was just a little bit  
8 different. I just was asking did you keep a record  
9 of those mortgage application assistance -- sorry,  
10 mortgage assistance application forms that you 01:25:33  
11 submitted to Wells Fargo, did you always keep a  
12 record of that?

13 A I mean, I have them some -- I did. But I  
14 don't know where they are.

15 Q Okay. All right. 01:25:43

16 I'm going to show you -- help me out here.  
17 I'm not sure where we are.

18 MS. GROVES: 170.

19 MS. NEWSOME: Thank you.

20 BY MS. NEWSOME: 01:25:55

21 Q I'm going to show you what I'm marking as  
22 Exhibit 170.

23 (Exhibit 170 was marked for identification  
24 and is attached hereto.)

25 ////

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1 BY MS. NEWSOME:

2 Q Mr. Braxton, do you recognize this document  
3 being a letter from you to a Wells Fargo  
4 representative dated August 23, 2019?

5 A Yes. 01:26:37

6 Q Okay. So you confirm that you did, in fact,  
7 send this letter?

8 A Yes.

9 Q Do you remember how you sent it? Was it via  
10 email or fax? 01:26:44

11 A I do not remember.

12 Q Before we get to this letter, one question I  
13 have is, did you ever get an alert or a notification  
14 that you had insufficient funds in your account  
15 regarding to a payment in August? 01:27:02

16 A No.

17 Q So let's go through this. Do you --

18 MR. ELLIS: That was August of 2019, right?

19 MS. NEWSOME: Uh-huh. Yes. My question,  
20 yes. 01:27:21

21 MR. ELLIS: Okay.

22 BY MS. NEWSOME:

23 Q Here it says:

24 "In 2014, I began experiencing  
25 serious" -- 01:27:28

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1 And as a matter of fact, I was able, once  
2 Wells Fargo started all of the discriminatory  
3 practices that they were doing, including putting me  
4 in that program that they put me in without my  
5 permission, I took that money, that money, and I 01:36:35  
6 paid the mortgage so that I didn't have any issues  
7 with Wells Fargo in terms of them trying to  
8 foreclose on my home.

9 So I think I answered your question very  
10 thoroughly. 01:36:50  
11 BY MS. NEWSOME:

12 Q I'm going to show you what I'm marking as  
13 Exhibit 171.

14 (Exhibit 171 was marked for identification  
15 and is attached hereto.) 01:37:25

16 BY MS. NEWSOME:

17 Q Mr. Braxton, do you recognize this document?

18 A Yes.

19 MR. ELLIS: Objection. The document is  
20 incomplete. And inauthentic. 01:37:32

21 BY MS. NEWSOME:

22 Q Well, Mr. Braxton, do you recognize this to  
23 be the mortgage assistance application that you  
24 submitted to Wells Fargo as of August -- dated  
25 August 23rd, 2019? 01:37:52

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1 MR. ELLIS: Objection. Foundation.

2 Compound.

3 THE WITNESS: This is a replica of the  
4 mortgage application. I don't know if this is the  
5 exact one. 01:38:05

6 BY MS. NEWSOME:

7 Q Okay. Well, let's just go through it. This  
8 is -- your name is on the front here, Aaron Braxton,  
9 right?

10 A Yes. 01:38:32

11 Q And this is mailing address [REDACTED]

12 [REDACTED]?

13 A Yes.

14 Q Okay. And that's your email address,

15 [REDACTED]@att? 01:38:44

16 A Where is that?

17 Q Email address on the front page.

18 A Yes, I see it. Yes.

19 Q All right. Let's turn to the next page.

20 This is about your property. Everything look good 01:39:02  
21 there?

22 MR. ELLIS: Objection. Vague.

23 BY MS. NEWSOME:

24 Q Anything that looks incorrect in that  
25 section? 01:39:22



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1 MR. ELLIS: Objection. The question is  
2 compound.

3 THE WITNESS: No, nothing looks incorrect.

4 BY MS. NEWSOME:

5 Q Okay. It says about your employment, it 01:39:32  
6 says:

7 "Are you, the borrower,  
8 employed?"

9 A Yes, I see that.

10 Q And you write down, "No," right? 01:39:37

11 A Yes.

12 Q Okay. At this time, August 23, 2019, were  
13 you employed?

14 A In terms of working for somebody, no. I work  
15 for myself. 01:39:59

16 Q So you took this as meaning you've got to  
17 work for somebody else in order to write "Yes" here?

18 A Yes. I took that as meaning am I employed,  
19 am I employed by somebody, or did I have a current  
20 job in terms of working for somebody. 01:40:29

21 Q Okay. And you wrote no, you were not  
22 employed?

23 A No.

24 Q And then it says:

25 "When did you become unemployed?" 01:40:45

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1 possible to put that in this explanation.

2 BY MS. NEWSOME:

3 Q And you recall telling me earlier that you  
4 disclosed that disability situation, because  
5 remember you said you were just talking to them?

01:52:40

6 A Uh-huh.

7 Q Yes?

8 A Yes.

9 Q All right. You do acknowledge that this  
10 document in and of itself right here on this page  
11 doesn't have your signature on it, on page 6 of 6?

01:52:54

12 A Yes.

13 Q Now, if we turn back on page -- well, there's  
14 2 of 6 and then there's another page in here that's  
15 a little blurry. Can you make that out?

01:53:13

16 A This page (indicating)?

17 Q That page, yes.

18 A Acknowledgment and Disagreement?

19 Q Acknowledgment and --

20 A I'm sorry. Acknowledgement and Agreement.

01:53:27

21 Q Okay. And the rest of it is just not  
22 legible. Would you agree with me?

23 A Correct, yes.

24 Q But it does appear there is some type of  
25 signature on this page?

01:53:38

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1 A Yes.

2 Q All right. But everything is illegible here.  
3 We don't really see the exact dates here. Can we  
4 really make those out?

5 A No, I can't make those out. 01:53:46

6 Q Do you recall submitting this page or taking  
7 a picture of it and submitting it, uploading it?

8 MR. ELLIS: Objection. Foundation.  
9 Speculation.

10 THE WITNESS: I don't recall how I submitted 01:54:01  
11 it to Wells Fargo, but I'm sure I did.

12 BY MS. NEWSOME:

13 Q Do you remember taking a picture of a signed  
14 document and trying to submit it that way?

15 A No, I don't remember. 01:54:18

16 Q Okay. Last thing on page 6 of 6, on that  
17 first paragraph there, it says:

18 "All information in this  
19 affidavit is true and accurate, and  
20 the events identified are the reason 01:54:48  
21 that I/we need to request a  
22 modification of the terms of my/our  
23 mortgage, short sale, or deed in lieu  
24 of foreclosure."

25 Do you see that? 01:55:02

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1 A Yes.

2 Q Okay. Do you remember signing this as of  
3 August 23, 2019?

4 A I don't remember signing it, but I'm sure I  
5 did. 01:55:13

6 Q So if you signed it, then you agreed that all  
7 the statements would be accurate?

8 A All the statements?

9 Q You agree that the affidavit that we just  
10 looked at is true and accurate? 01:55:24

11 A No, it is not true and accurate.

12 Q Well, I'm saying here it says in this first  
13 paragraph, Number 1, when you signed this document,  
14 you are telling Wells Fargo that the affidavit is  
15 true and accurate, and the events identified are the 01:55:42  
16 reason that you need to request a modification.

17 A What I'm telling Wells Fargo is that is what  
18 they told me, that is what they told me in order to  
19 qualify for this loan. So what I wrote in my  
20 application to qualify for this particular 01:56:02  
21 refinancing is what I put in this. And what I  
22 signed.

23 Q And it's false. Some of the information is  
24 false?

25 A Some of the information is false. 01:56:19

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1 Verifying isn't losing documents and telling me that  
2 I need to upload things over and over and over  
3 again. That is not what this statement is.

4 This statement is contacting employers,  
5 verifying employers, salary information, may require 01:58:14  
6 us to provide supporting documents. That doesn't  
7 mean supporting -- I took that to not mean  
8 supporting documents over and over and over and over  
9 and over again. I took that to mean that this  
10 should be a process that should take 30 days, 60 01:58:30  
11 days. I didn't think that Wells Fargo needed to  
12 verify documents and lose documents and me upload  
13 things over and over and over again, that it took a  
14 year and a half verification process.

15 Q You agree with me that that application is 01:58:50  
16 missing information regarding your income?

17 MR. ELLIS: Objection. Foundation.  
18 Speculation. Incomplete document.

19 You can answer.

20 THE WITNESS: This is missing -- yes. This 01:59:08  
21 is missing some of my income. But that's not the  
22 documentations that Wells Fargo was asking for over  
23 and over and over again.

24 BY MS. NEWSOME:

25 Q I show you what I'm marking as Exhibit 172. 01:59:21

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1 (Exhibit 172 was marked for identification  
2 and is attached hereto.)

3 BY MS. NEWSOME:

4 Q Mr. Braxton, have you seen this document  
5 before?

02:00:06

6 A Isn't this the same document? This is  
7 another document -- the same application that I  
8 filled out before?

9 Q No. This is -- so if you look at the front  
10 of it, it looks like a letter to you. And so I'm  
11 just talking about the front of it.

02:00:16

12 A Yes.

13 Q And do you recall receiving this document?

14 A No. I'm sure I did receive it.

15 Q Okay. So let's go through it.

02:00:36

16 It says August 26, 2019, a letter from Wells  
17 Fargo to you regarding -- it says, "Request for  
18 assistance."

19 A Yes.

20 Q Okay. And here it says in the second  
21 paragraph:

02:00:55

22 "We must receive the additional  
23 information requested in the table  
24 below by September 25, 2019."

25 Do you see that?

02:01:07

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1 A Yes.

2 Q Then it identifies the information that  
3 they're requesting?

4 A Yes.

5 Q So they are requesting IRS 4506-T. 02:01:12

6 Do you see that?

7 That's the first iteration of the document.

8 It's kind of hard to find, but it's in the table.

9 It says, "Aaron Braxton, IRS" --

10 A Yeah. 02:01:26

11 Q Okay. And over here, it says, "Not yet  
12 received" to the right.

13 Do you see that?

14 A Yes.

15 Q And then this next box tells you -- gives you 02:01:30  
16 more information as to what Wells Fargo is seeking.

17 Do you agree with that?

18 A Yes.

19 Q Okay. It says:

20 "Send a complete IRS Form 4506-T 02:01:45

21 signed and dated by each customer and

22 person who is contributing income to

23 the household, or submit your complete

24 most recent signed federal tax

25 returns." 02:02:00

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1 Do you see that?

2 A Yes.

3 Q By this time, August 26, 2019, you didn't  
4 have any problem with complying with that request,  
5 did you?

02:02:06

6 A No.

7 Q Okay. And then the next line, it says --  
8 next document, it says, "Mortgage Assistance  
9 Application." It says, "Not yet received." But  
10 you've got to look below to see exactly what they're 02:02:16  
11 talking about here. It says:

12 "Please provide all completed  
13 pages of the mortgage assistance  
14 application with debts and expenses  
15 signed and dated by all borrowers." 02:02:28

16 Do you see that?

17 A Yes.

18 Q You agree with me that the mortgage  
19 application that we saw of August 23rd, 2019, was  
20 not a complete application? 02:02:41

21 MR. ELLIS: Objection. Foundation.  
22 Speculation.

23 You can answer.

24 THE WITNESS: I don't remember if it was  
25 complete or not. 02:02:48



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1 BY MS. NEWSOME:

2 Q We've already gone through that and you told  
3 me that some income was missing, that you did not  
4 disclose all of your income in the August 23rd,  
5 2019, application, right?

02:03:00

6 MR. ELLIS: Objection. Foundation.  
7 Speculation.

8 THE WITNESS: So, yeah, royalty -- and  
9 royalties are all speculative too. So royalties,  
10 residuals, that's all speculative in terms of --  
11 but, no, I did not.

02:03:12

12 BY MS. NEWSOME:

13 Q So the application would not have been  
14 complete?

15 MR. ELLIS: Objection. Foundation.  
16 Speculation.

02:03:20

17 You can answer.

18 THE WITNESS: The application was complete in  
19 terms of what I wrote and how I was instructed to  
20 write it.

02:03:28

21 BY MS. NEWSOME:

22 Q Then the next document it says here that  
23 they're looking for is rental income. And the  
24 explanation is:

25 "Your next steps. Please provide

02:03:38

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1 a copy of your current signed and  
2 dated lease agreement and one recent  
3 month of bank statements, cancelled  
4 checks or deposit slips or evidence of  
5 security deposit."

02:03:51

6 Do you see that?

7 A Yes.

8 Q Okay. You didn't have any problem complying  
9 with that request, did you?

10 A No.

02:03:57

11 Q And it looks to be that the rest of this is  
12 just Wells Fargo including the documents that it  
13 wanted you to fill out.

14 Do you see that where you were looking at  
15 those pages?

02:04:19

16 And it has mortgage application, a blank one,  
17 and then it goes on to have this 4506-T.

18 Do you see that?

19 A Yeah.

20 Q All right. I show you -- and we'll take a  
21 quick break shortly here. Bear with me. I'm trying  
22 to get through a little bit more of this.

02:04:29

23 I show you what I'm marking as Exhibit 173.

24 MS. NEWSOME: For the folks on Zoom, I

25 apologize, I'm not consistent here. The Bates on

02:05:08

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1 this document is WF-00123619.

2 (Exhibit 173 was marked for identification  
3 and is attached hereto.)

4 BY MS. NEWSOME:

5 Q Mr. Braxton, do you recognize this to be a 02:05:26  
6 letter from Wells Fargo to you dated August 29,  
7 2019, and the subject matter is, "Important Next  
8 Steps For You"?

9 A Yes.

10 Q Do you remember receiving this particular 02:05:39  
11 letter?

12 A No, I don't remember, but I'm sure I did.

13 Q And same as before. We'll see a few more of  
14 these. It's saying some more documents are needed,  
15 right? Wells Fargo is saying that they need more 02:05:58  
16 documents, right?

17 A Yes.

18 Q And when we get down to the documents that  
19 they're saying they need, the first one here is  
20 August 29th and the other one we looked at I believe 02:06:11  
21 was August 26th -- or maybe 24th. I think it was  
22 26th. So this is August 29th, and they're saying  
23 IRS 4506-T.

24 Do you see that?

25 A Yes. 02:06:26

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1 Q All right. It says:

2 "Received but incomplete."

3 A Yes, I see that.

4 Q All right. And then it gives you an

5 explanation as to why they're saying it's 02:06:32

6 incomplete.

7 "We received IRS Form 4506-T.

8 However, the tax form Number 1040 is

9 missing on line 6. Box 6A needs to be

10 checked and the years requested are 02:06:46

11 incorrect. Should be 12/31/2018,

12 12/31/2019 on line 9."

13 Do you see that?

14 A Yes.

15 Q Okay. Did you dispute that this information 02:06:58

16 had been provided as of August 29, 2019?

17 A I don't recall. But I do believe that I

18 sent -- the document that I sent was complete.

19 Q The next document is "Mortgage Assistance

20 Application," and it says, "Received but 02:07:26

21 incomplete."

22 And it says:

23 "We received the mortgage

24 assistance application. However, it

25 is missing the signature on the last 02:07:35

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1 page."

2 Do you see that?

3 A Yes.

4 Q And do you disagree with that reasoning as to

5 why your mortgage assistance application was 02:07:46

6 incomplete, considered incomplete?

7 A I don't remember what the -- is that the one

8 you just showed me a few minutes ago?

9 Q I'll be perfectly honest with you. This

10 document doesn't tell you exactly which one they're 02:08:02

11 talking about, but as of August 29th, 2019, that's

12 the only one we see is the August 23rd, 2019. So

13 I'm not -- I don't know. If you don't know, that's

14 fine.

15 A Yeah, I -- 02:08:17

16 Q Because on the August 23rd, 2019, you recall

17 we saw a page that appeared to have a signature, but

18 it was blurry?

19 A Yes.

20 Q But the last page did not have a signature? 02:08:29

21 A If that's the page they're talking about,

22 then, yes, it didn't have a signature.

23 MR. ELLIS: But the blurry page is dated

24 August 23rd.

25 MS. NEWSOME: Mr. Ellis, you just can't do 02:08:43

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1 it as an exhibit to the deposition. All I'm telling  
2 you is that the document says it's dated  
3 August 23rd, but you're asking him about something  
4 that happened on August 29th.

5 MS. NEWSOME: Objection again to the 02:09:52  
6 speaking. And I'm going to say it seems like  
7 coaching the witness.

8 Let me see if there's anything else I have on  
9 this page here. Let's see how many more we can do  
10 real quick. 02:10:18

11 Give me ten minutes. We're going to take a  
12 break in a minute.

13 BY MS. NEWSOME:

14 Q So let me show you what I'm marking as  
15 Exhibit 174. 02:10:40

16 (Exhibit 174 was marked for identification  
17 and is attached hereto.)

18 BY MS. NEWSOME:

19 Q Mr. Braxton, same thing. Do you recognize  
20 this to be an October 1, 2019 letter from Wells 02:11:04  
21 Fargo to you, with that subject matter, "Important  
22 Next Steps For You"?

23 A Yes.

24 Q Okay. And, as before, do you recall  
25 receiving this particular letter? 02:11:18

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1 A Yes.

2 Q Okay. Again, they're writing you to follow  
3 up on your recent request for assistance. That's  
4 what it says there?

5 A Yes. 02:11:31

6 Q Okay. And then down here it talks about some  
7 documents that are needed.

8 A Yes.

9 Q And Bates on this is WF-00123636.  
10 The first document here is saying "Bank 02:11:45  
11 Statements," and it says, "Not yet received"?

12 A Yes. I see that.

13 Q It says:

14 "Please provide current bank  
15 statements showing rent deposit or 02:11:55  
16 copy of rental check, front and back."  
17 Do you see that?

18 A Yes.

19 Q Do you dispute that at the time of October 1,  
20 2019, that Wells Fargo did not have bank records 02:12:07  
21 showing rent deposits?

22 A To the best of my recollection, this is when  
23 the chaos starts.

24 MS. NEWSOME: I'll object as nonresponsive.

25 THE WITNESS: So -- so this is because 02:12:31

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1 everything by -- by October 1st, 2019, I had  
2 uploaded everything that Wells Fargo had asked me  
3 for. So in terms of bank statements that they had  
4 asked me for, I had uploaded everything to their  
5 site.

02:12:51

6 BY MS. NEWSOME:

7 Q And my question is slightly different.

8 You just said bank statements, but here,  
9 remember, we're looking at the explanation of what  
10 they're asking for specifically. And here it says, 02:13:01  
11 they're saying, we want bank statements showing rent  
12 deposit or a copy of rental check, front and back.

13 So my question is, by this time of October 1,  
14 2019, do you contend that you had provided Wells  
15 Fargo bank statements showing a rent deposit or 02:13:21  
16 rental check, front and back?

17 A I absolutely had.

18 Q And then the next thing, it says, "Benefits  
19 Letter."

20 Do you see that? 02:13:35

21 A Yes.

22 Q And it says:

23 "Please provide disability award  
24 letter stating when disability will  
25 start."

02:13:42



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1 Do you see that?

2 A Yes.

3 Q You had not provided that by -- provided a  
4 benefits letter by October 1, 2019, had you?

5 A I don't remember if they asked for that. So 02:13:52  
6 if they didn't ask for it, then, no, I did not  
7 provide. But if they did ask for it, I absolutely  
8 did provide. So I don't know whether or not they  
9 asked for that. I don't know if that's an  
10 additional document that they're now asking for. 02:14:09

11 From this letter, you can infer that this is  
12 a document that they asked for because they're  
13 saying it has not yet -- it says, "Not yet  
14 received." So if they asked for it, I absolutely  
15 sent it to them. 02:14:28

16 Q You didn't have a benefits letter during that  
17 time, did you, October 1, 2019, a benefits award  
18 letter?

19 A What is the benefits -- oh, you're absolutely  
20 right. Because I didn't submit that to them until I 02:14:41  
21 think a month later, sometime in October or  
22 something like that. You might be right. I'm  
23 not -- I'm not --

24 Q Again, I'm not trying to trick you. I'm just  
25 saying we're going through each of these and I'm 02:14:58

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1 asking which ones you dispute. And so I'm just  
2 saying for the benefits letter showing an award  
3 letter to you as to when the disability would start,  
4 Wells Fargo had not received that by that time  
5 because, in fact, you probably hadn't received it by 02:15:15  
6 that time.

7 Would you agree with that?

8 A I don't recall.

9 Q So fair to say you don't know whether you  
10 dispute that or not? 02:15:30

11 A I don't know whether I dispute that specific  
12 one or not.

13 Q Okay. And then it says -- borrower  
14 correspondence says:

15 "Please confirm is Specloans 02:15:36  
16 mortgage 807 is for your rental  
17 property and is the taxes and  
18 insurance escrowed. Please confirm if  
19 wage income on 2018 tax return has  
20 ended." 02:15:52

21 Do you see that?

22 A Please confirm Specloans mortgage -- I don't  
23 know what wage income is of 2019 tax return.

24 But in terms of the rental, the property and  
25 taxes insurance are escrowed -- 02:16:14

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1 Q Well, I haven't asked you a question yet. I  
2 just asked you, do you see that?

3 A I'm sorry. My bad. I'm sorry.

4 Q You're already going to the next thing. I  
5 understand.

02:16:25

6 A I'm sorry. Yes, I do see it.

7 Q So my question to you is, this would be  
8 considered additional information that they're  
9 asking based on previous information that you have  
10 disclosed to Wells Fargo. Agreed?

02:16:35

11 A Absolutely.

12 Q And so you don't dispute that Wells Fargo --  
13 you know, you don't contend that Wells Fargo had no  
14 right to ask for this information, right?

15 A No, I don't contend that.

02:16:47

16 Q Okay. And, in fact, also with the benefits  
17 letter, you agree that that is something that Wells  
18 Fargo may want to consider regarding this request?

19 A Yes, I agree with that.

20 Q And then here on the back, last thing, it  
21 says, "Financial Statement, Profit and Loss," and  
22 it's asking you to provide current profit and loss  
23 for writer business listed on 2018 tax returns,  
24 Schedule C.

02:17:00

25 Do you see that?

02:17:18

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1 A Yes.

2 Q So what we do know from this document is that  
3 Wells Fargo does, in fact, have your 2018 tax  
4 return?

5 A Yes. 02:17:26

6 Q Because they're talking about it.

7 A Yes.

8 Q Okay. And so as we saw before when we read  
9 it, additional information may be requested by the  
10 servicer, right? We read that. 02:17:39

11 A Yes.

12 Q Based on the information you've already  
13 provided in your 2018 tax return, it wasn't -- you  
14 wouldn't contend it's discriminatory to ask for more  
15 information regarding what is in your 2018 tax 02:17:55  
16 return, would you?

17 A No, I wouldn't.

18 MS. NEWSOME: Okay. I think we're at a good  
19 stopping point for a break, a quick break, if we  
20 will. 02:18:06

21 THE VIDEOGRAPHER: The time is 2:18 p.m.

22 Off record.

23 (Recess.)

24 THE VIDEOGRAPHER: The time is 2:26 p.m.

25 We're back on record. 02:26:03

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1 Exhibit 175. And that is Bates WF-00126179.

2 (Exhibit 175 was marked for identification  
3 and is attached hereto.)

4 BY MS. NEWSOME:

5 Q Now, I'm already looking at your face, 02:27:41  
6 Mr. Braxton.

7 So here's what I'm going to ask about this.  
8 And I'm going to go back and ask -- well, you  
9 mentioned before that you don't recall how you  
10 submitted these materials to Wells Fargo. 02:27:58

11 A Oh, I absolutely recall how I submitted them.  
12 I -- Wells Fargo had a portal that I would upload  
13 the documents to Wells Fargo on that portal. So  
14 that when they started saying, "We're not receiving  
15 these documents," I said, "You absolutely are, and 02:28:18  
16 how could you say that when they're time stamped on  
17 your portal?"

18 And this letter is dated July something,  
19 2019. So if this is the awards letter that they  
20 were requesting, this is the letter that was sent to 02:28:34  
21 them.

22 Q Understood. We haven't gotten that far yet.

23 A Oh, I'm sorry.

24 Q So let's see if we can get through this  
25 document. 02:28:48

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1 A Yes.

2 Q And, look, if you can't, you can't.

3 So the first thing I'm going to ask you is,  
4 do you recall sending Wells Fargo a document from  
5 Transamerica?

02:28:59

6 A Yes.

7 Q Okay. And this one right here, as you said,  
8 you believe it says July of maybe 2019, but we do  
9 read the July on there, right?

10 A We read the July. I can see that it says  
11 2019.

02:29:13

12 Q Okay. 2019. And that looks to be your name  
13 there?

14 A Yes. Mr. Braxton. Yes.

15 Q All right. And it says -- well, I don't  
16 know. Let's see if we can get through here.

02:29:23

17 Do you know what that first sentence says?  
18 And if you don't, that's fine.

19 A I --

20 Q I can read the second sentence. And I'll see  
21 if you agree with me. It seems like it says:

02:29:45

22 "Enclosed are forms for proof of  
23 disability."

24 That's what it seems like to me. If you  
25 disagree with that --

02:29:57

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1 A Yes, I think that's what it says.

2 Q And then it says:

3 "Each of the forms listed below  
4 should be" --

5 A Completed. 02:30:09

6 Q -- "completed in its entirety."

7 Do you see that?

8 A Yes.

9 Q Okay. All right.

10 So we can confirm or deduce from that -- we 02:30:13

11 did a good job, I think -- that at least this is not  
12 the awards letter because this is what Transamerica  
13 is sending you requesting proof of your disability,  
14 right?

15 A Yes. 02:30:29

16 MR. ELLIS: Objection. Foundation.

17 THE WITNESS: Sorry. So sorry.

18 MR. ELLIS: Give me a chance.

19 Objection. Foundation. Calls for  
20 speculation. 02:30:34

21 You can answer. You already did.

22 THE WITNESS: I'm so sorry.

23 BY MS. NEWSOME:

24 Q Well, yeah, I was going to say I have that  
25 same problem, but I don't think I've ever been on 02:30:42

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1 good as mine.

2 Q Okay. All right. Let's do another one here.

3 Exhibit 179.

4 (Exhibit 179 was marked for identification

5 and is attached hereto.)

02:49:48

6 BY MS. NEWSOME:

7 Q Mr. Braxton, do you recognize this to be a  
8 letter from you on your letterhead dated October 14,  
9 2019, addressed to Ms. Mendez?

10 A Yes.

02:49:58

11 Q Okay. And here it seems that you're  
12 addressing the Transamerica information you received  
13 from them.

14 A Yes.

15 Q Okay. Now, let's go through this, because  
16 this may provide a little bit of clarity as to what  
17 we were looking at before.

18 You said:

19 "Unfortunately, I filed my claim  
20 on the day my doctor signed my forms  
21 and before the 90-day elimination  
22 period is over."

02:50:17

23 Did I read that correctly?

24 A Yes.

25 Q It says:

02:50:25



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1 "This resulted in Transamerica

2 closing my claim. I was informed by

3 them that I will have to refile the

4 claim on November 13, 2019."

5 Do you see that?

02:50:34

6 A Yes.

7 Q Okay. So does this refresh your memory that

8 your claim was closed by Transamerica?

9 A Yes.

10 Q And that you had to refile it on

02:50:44

11 November 13th, 2019?

12 A That I had to refile -- wait. Wait. Did I

13 have to refile on November -- yes.

14 Q Okay. And you say as the last portion of

15 that second paragraph, the last portion of that, you 02:51:04

16 say:

17 "I refiled my paperwork on

18 November 13, 2019."

19 A Yes.

20 Q Okay. So you say:

02:51:12

21 "Once I refiled my paperwork."

22 Do you remember refiling your paperwork on

23 that day?

24 A Yes.

25 Q Okay. You say:

02:51:20

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1 "In the meantime, I'm receiving  
2 unemployment insurance" --

3 A Yeah.

4 Q

5 "-- and have uploaded that 02:51:24  
6 documentation to portal."

7 A Yeah.

8 Q Okay. So now let me ask you this. When did  
9 you start receiving unemployment insurance?

10 A I have no idea. 02:51:35

11 Q Okay. Well, you agree with me, though, that  
12 your unemployment insurance was not on that mortgage  
13 assistance application that we looked at dated  
14 August 23, 2019?

15 MR. ELLIS: Objection. Foundation. 02:51:47  
16 Speculation.

17 THE WITNESS: No, it was not.

18 BY MS. NEWSOME:

19 Q Okay.

20 A But it's not like I wasn't being truthful. 02:51:58  
21 Because I put it in a letter, so they knew. I put  
22 it in the letter. It's right there in black and  
23 white.

24 Q Understood.

25 And so then if they were to ask additional 02:52:08

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1 questions about your income because this letter  
2 conflicts with the August 23rd, 2019, you wouldn't  
3 see any problem with that, would you?

4 A Not at all. Not at all.

5 Q All right. Let's see if we can get through a 02:52:21

6 few more of these here.

7 I show you what I'm marking as Exhibit --  
8 now, let me ask you this, Mr. Braxton. If you  
9 refiled your benefits request with Transamerica on  
10 November 13th, 2019, when did you receive your 02:52:58  
11 awards letter?

12 A I don't recall that. But you guys should  
13 have that into discovery evidence, because I did --  
14 it should be -- not only should you have it in  
15 discovery, but you should also have it in your 02:53:18  
16 portal. Because I sent it to you. So you should  
17 have it.

18 Q Yeah. And the reason why I ask is because we  
19 do have a document, and we talked about it a few  
20 minutes ago, and this was pretty legible so we 02:53:31  
21 understand that. I don't know what that document  
22 is. So I'm just asking on your memory, do you  
23 recall receiving an awards benefit letter from  
24 Transamerica shortly after you filed -- refiled for  
25 the claim? 02:53:47

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1 beginning, to lower the payments, lower the interest  
2 rate. So I did not have -- I did not see any  
3 objection to paying the lower payments that were  
4 provided for me.

5 BY MS. NEWSOME:

03:09:54

6 Q Okay.

7 A I would also add --

8 MR. ELLIS: You've got to stop adding stuff.

9 THE WITNESS: I know. I'm sorry.

10 MR. ELLIS: Let her ask the questions and  
11 finish.

03:10:12

12 THE WITNESS: Right.

13 MR. ELLIS: And she can ask a new question.

14 Okay?

15 THE WITNESS: Okay.

03:10:15

16 MR. ELLIS: You've got to stop adding stuff.

17 THE WITNESS: Okay.

18 BY MS. NEWSOME:

19 Q All right. Mr. Braxton, I'm going to show  
20 you what I'm marking as Exhibit 181.

03:10:44

21 (Exhibit 181 was marked for identification  
22 and is attached hereto.)

23 BY MS. NEWSOME:

24 Q Okay. Have you seen -- well, do you

25 recognize this to be a letter from Wells Fargo dated 03:11:08

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1 December 9, 2019, to you, with the loan number  
2 ending in 9384 and subject matter, "Important Next  
3 Steps For You"?

4 A Yes.

5 Q Same as the ones we saw before, we're going 03:11:21  
6 to start right with where Wells Fargo is asking for  
7 additional information.

8 Do you see that down there?

9 A Where it says why documents are incomplete?

10 Q Well, yeah. Just the parts we've been 03:11:37  
11 looking at before with other previous documents that  
12 looked like this, right, where it says additional  
13 information that they're seeking from you. It  
14 doesn't say that --

15 A Oh, that's what I was looking at. 03:11:47

16 Q I apologize. It doesn't say that, but this  
17 is where they tell you what is next for you to do,  
18 right?

19 A At the bottom?

20 Q Yes. 03:11:55

21 A Yes, I see it.

22 Q Okay. So the first thing here is "Mortgage  
23 Assistance Application." It says:

24 "Not yet received."

25 Do you see that? 03:12:02

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1 A No. Where is that?

2 Q Well, it's in the middle there. It's not  
3 directly at the bottom. See, the bottom is saying:

4 "Documents we have received that  
5 are incomplete."

03:12:12

6 A Oh, yes. Yeah, yeah, yeah.

7 Q So this one only has one section where  
8 they're saying this is documents still needed.

9 A Yes.

10 Q And it says, "Mortgage Assistance  
11 Application," right?

03:12:20

12 A Yes.

13 Q And then the next line -- couple of lines, it  
14 tells you -- explains why they're asking for that.

15 It says:

03:12:29

16 "Please provide all completed  
17 pages of the mortgage assistance  
18 application with debts and expenses  
19 signed and dated by all borrowers."

20 Do you see that?

03:12:37

21 A Yes.

22 Q All right. So as of December 9, 2019, do you  
23 know how many mortgage assistance applications you  
24 had submitted to Wells Fargo?

25 A This would have probably been the second one.

03:12:49

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1 Q Okay. We've only looked at one and that is  
2 August 23rd, 2019. So if you have knowledge of  
3 another one that you submitted between August 2019  
4 and December 9th, would you provide that to your  
5 attorney so they can provide it to us? 03:13:14

6 A What I'm saying is that I filled out one.  
7 Now you're asking for another one. So this one --

8 Q Oh, this one --

9 A Yeah.

10 Q -- would have been the second one? 03:13:22

11 A Probably the second one.

12 Q I understand now. I understand. Okay.

13 Now, but we discussed at that first -- well,  
14 never mind.

15 All right. Mr. Braxton, I'm showing you what 03:13:31  
16 I'm marking as Exhibit 182.

17 (Exhibit 182 was marked for identification  
18 and is attached hereto.)

19 BY MS. NEWSOME:

20 Q Okay. I recognize that you probably have not 03:14:30  
21 seen this document before.

22 A No.

23 Q It is a Wells Fargo Internal Credit View.

24 I'm not asking you to authenticate this document. I

25 just want to talk about some of the entries to see 03:14:42

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1 So you should have that information.

2 I don't know -- that was three years ago. I  
3 don't know the specific person because I didn't  
4 think that I was going to have an issue at that  
5 particular time, so I didn't write down that  
6 person's name.

03:25:12

7 Q Showing you what I'm marking as Exhibit 184.

8 (Exhibit 184 was marked for identification  
9 and is attached hereto.)

10 BY MS. NEWSOME:

03:25:33

11 Q Mr. Braxton, do you remember receiving this  
12 letter from Wells Fargo, dated January 22, 2020, in  
13 regard to loan number ending in 9384 and subject  
14 saying, "Important Next Steps For You"?

15 A I probably received this letter. I don't  
16 remember receiving this specific letter.

03:25:59

17 Q You don't dispute that you had received it?

18 A No, I don't dispute that I received it.

19 Q And same as before, going straight to the  
20 middle of the page here where we're talking about  
21 documents that's needed, do you see that?

03:26:12

22 A Yes.

23 Q Okay. And so here on this January 22, 2020  
24 letter, it says they're needing -- Wells Fargo is  
25 needing mortgage assistance application. It says:

03:26:25



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1 "Received but incomplete."

2 Do you see that?

3 A Yes.

4 Q Okay. And on the next line here, it says:

5 "Please provide all completed 03:26:34

6 pages of the mortgage assistance

7 application."

8 Do you see that?

9 A Yes.

10 Q Okay. So this is pretty much the same 03:26:40

11 request as before in -- from December 9, 2019, that

12 letter that we just saw not too long ago.

13 Do you remember that?

14 A Yes. This would have been the third

15 application that I would have signed -- that I would 03:27:01

16 have applied for with Wells Fargo again.

17 Q So now I'm fixing to ask the question I asked

18 before, which is, when did you submit that second

19 application?

20 A Immediately after they asked me. 03:27:15

21 Q Okay. So there should be documentation that

22 you sent a second mortgage assistance application

23 between the time of December 9th, 2019, and

24 January 22, 2020?

25 A Absolutely. There should be -- there should 03:27:34

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1 be -- and I said to them, "It's all being uploaded  
2 to your portal, so you -- it's all time stamped, so  
3 you should" -- and they kept telling me, "Well, it  
4 went to -- one application went to one loan and  
5 another application went" -- I'm like, "It's all 03:27:49  
6 labeled on your portal, so there should be no reason  
7 why any document should ever get lost."

8 Q Showing you what I'm marking as Exhibit 185.  
9 (Exhibit 185 was marked for identification  
10 and is attached hereto.) 03:28:26

11 BY MS. NEWSOME:

12 Q Okay. Mr. Braxton, here -- on this first  
13 page here, it says, "Fax cover sheet."

14 Do you see that?

15 A Yes. 03:28:31

16 Q And is this your handwriting?

17 A No.

18 Q So this says January 22, 2020 to Mortgage  
19 Department from you.

20 Do you see that? 03:28:46

21 A Yes.

22 Q Do you know who filled this out?

23 A Someone at the Wells Fargo -- remember, I  
24 told you earlier that I started going to -- once  
25 they told me that we're not -- we don't have these 03:28:59

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1 documents, we don't know what happened to the  
2 documents. We don't know -- you need to sign -- all  
3 of these things that they were saying, I started  
4 going into the bank itself so that I had a  
5 documentation stamped from Wells Fargo that said 03:29:13  
6 that I was giving the documents to your bank so  
7 there would be no discrepancy.

8 Q Okay. And that's what I'm asking.

9 A Yeah.

10 Q I'm asking -- so this would be the time where 03:29:25  
11 you actually went in and they filled this out in  
12 front of you and gave -- faxed the information to  
13 the people that were asking for it?

14 A Yeah. I was starting to get fed up. I was  
15 starting to get fed up, so I said, well, how else 03:29:42  
16 can I rectify this issue? Oh. Let me just go into  
17 the bank so there's no discrepancy from me uploading  
18 and them not receiving it or it disappearing. So I  
19 started going into the bank.

20 Q Now -- now, we looked at these letters that 03:29:55  
21 Wells Fargo is sending you, and at least the last  
22 two letters we looked at, December 9th and  
23 January 22th, it's not saying it didn't receive the  
24 application. It's saying it was incomplete.

25 Do you remember that? 03:30:12

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1 A Yes.

2 Q So there's a difference between not receiving  
3 the information or the application and an  
4 application being incomplete.

5 Wouldn't you agree? 03:30:19

6 A I would agree.

7 Q Okay. So let's look at this. This would be  
8 an application that you submitted on January 22,  
9 2020.

10 MR. ELLIS: Objection. Mischaracterizes the 03:30:32  
11 document.

12 THE WITNESS: Oh, I'm so sorry. I'm so  
13 sorry.

14 BY MS. NEWSOME:

15 Q It's okay. 03:31:03

16 A I zoned out. Okay. Ask me the question one  
17 more time. I'm so sorry.

18 Q So this is a -- this is a document -- excuse  
19 me. This is the mortgage assistance application  
20 that you submitted on January 22, 2020? 03:31:15

21 MR. ELLIS: Objection. Mischaracterizes the  
22 document.

23 THE WITNESS: Yes, this appears to be the  
24 document that I submitted again to Wells Fargo.

25 ////

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1 BY MS. NEWSOME:

2 Q Okay. Now, let's go to the back here. I  
3 just want to address this real quick.

4 On this last page, you see it is signed. Is  
5 that your signature? 03:31:39

6 A Yes.

7 Q Okay. And the date here says August 22,  
8 2020.

9 A Yes.

10 Q Okay. Now -- 03:31:49

11 A August 1st, right?

12 Q No. This says --

13 A Where are you talking --

14 Q No, the date that you're signing this  
15 document, on the last page, is saying August 22, 03:31:58  
16 2020.

17 A Yes.

18 Q Now, I'm just going to put it out there. Do  
19 you think that that was a mistake?

20 A That was -- that was probably a mistake, yes. 03:32:08

21 Q Okay. So you don't dispute, then, that this  
22 document would have been submitted to Wells Fargo by  
23 you as of the date that is indicated on the front  
24 here, January 22, 2020?

25 MR. ELLIS: Objection. Speculation. 03:32:24

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1 Mischaracterizes the document.

2 THE WITNESS: Ask it again?

3 BY MS. NEWSOME:

4 Q So I'm just trying to make sure that you're

5 not going to come to court and say, well, no, I 03:32:33

6 submitted it August 22, 2020. I'm just trying to

7 make sure that we're in agreement that -- you have

8 no reason to dispute that this would have been a

9 document that you turned in as of January -- on

10 January 22, 2020? 03:32:47

11 MR. ELLIS: Objection. Speculation.

12 Compound. Mischaracterizes the document.

13 THE WITNESS: Yes, I probably submitted this

14 document in January. January of 2020.

15 BY MS. NEWSOME: 03:33:02

16 Q So let's go through very quickly here -- I

17 just want to point out a couple of things.

18 For the most part, it looks like this is the

19 same information that you submitted as of

20 August 23rd, 2019. 03:33:18

21 A Correct.

22 Q Would you agree with that?

23 A Yes.

24 Q So no additional income that's being

25 reflected here, right? 03:33:27

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1 A Correct.

2 Q On page 3 of 6.

3 A Correct.

4 Q But, in fact, we know now that you, through a  
5 letter you submitted to Wells Fargo as of this date, 03:33:35  
6 you are receiving unemployment benefits?

7 A Yes.

8 Q And those are not disclosed?

9 A Correct.

10 Q Now, this 807 we've had trouble with. And 03:33:44  
11 you don't believe -- and I don't want to put words  
12 in your mouth, but you don't believe that 807 is the  
13 actual rental income that you received from the  
14 property that your mother resides in?

15 MR. ELLIS: Objection. Mischaracterizes the 03:34:02  
16 record and the testimony.

17 You can answer.

18 THE WITNESS: I -- I submitted a lease to  
19 you. I don't believe that I put this number here.  
20 I don't know. I don't remember. I don't remember. 03:34:21  
21 807 is such a weird number to put. But I did -- I  
22 did submit a rental lease that has the rental income  
23 on there.

24 BY MS. NEWSOME:

25 Q Okay. All right. And over here it says: 03:34:40

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1 "Mortgage payment, 1,000."

2 That's just an estimate, right?

3 A Yes.

4 Q Okay. Same thing for the second mortgage  
5 payment, which is 500?

03:34:52

6 A Yes. That's a rough estimate.

7 Q Okay. Any other -- and there's other -- do  
8 you -- you know, did you -- did you have credit  
9 cards?

10 A Yes.

03:35:06

11 Q Okay. You agree with me that credit card  
12 expenses is not listed here?

13 A My credit card business?

14 Q You -- no. You will agree with me that  
15 credit card expenses are not listed here?

03:35:19

16 A Because I didn't have any.

17 Q Okay. You didn't have any debt, credit card  
18 debt?

19 A No, no.

20 Q All right. You didn't have any other  
21 personal loans?

03:35:26

22 A Personal loans?

23 Q Yeah.

24 A No.

25 Q You didn't have any auto loans?

03:35:32



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1 A In 2019, no.

2 Q No, I'm -- as of the date of this --

3 A No, no.

4 Q Okay. And so we go to the next page. Same

5 information that you provided in the August 23, 03:36:11

6 2019, mortgage assistance application, right? On

7 the next page here where you talk about --

8 A 506?

9 Q Yeah. The hardship, same verbiage there?

10 A Yes. 03:36:28

11 Q Okay. And you signed this one, right? We

12 see the signature on this one -- let me just say

13 that. We see the signature here very legibly on

14 this January 22 application, correct?

15 A Yes. 03:36:39

16 Q Okay. And the same information that says

17 you -- all information in this affidavit is true and

18 accurate, right? You signed that agreement?

19 A I signed that.

20 Q And agreed to it? 03:36:55

21 A And --

22 Q And agreed that all information in this

23 affidavit is true and accurate?

24 A Yes, as instructed by -- as inferred by your

25 Wells Fargo representative. 03:37:11

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1 Q Glad you changed it to -- you knew I was  
2 going to ask you about that. Okay. All right.

3 Okay. So one more of these, Mr. Braxton. I  
4 show you what I'm marking as Exhibit 186.

5 (Exhibit 186 was marked for identification 03:37:36  
6 and is attached hereto.)

7 BY MS. NEWSOME:

8 Q Okay. Let's see if we can figure out this  
9 timeline very quickly here.

10 You received that January 22nd letter from 03:38:03  
11 Wells Fargo that said we're still missing -- we  
12 still want a completed mortgage assistance  
13 application, right?

14 A In January.

15 Q In January. But that letter was January 22, 03:38:17  
16 2020. We can go back and look at it. You have it  
17 there.

18 A Yeah. After I had already filled out an  
19 application or two --

20 Q Okay. 03:38:27

21 A -- I received another one in January, yes.

22 Q January 22nd?

23 A Yes, exactly.

24 Q And do you remember --

25 A Wait. Wait. I'm sorry. Just for 03:38:36

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1 clarification.

2 Q Sure.

3 A I didn't mean to interrupt you.

4 I don't know if it was January 22nd -- oh,  
5 here it is. Yes, yes. And I filled it back out the 03:38:46  
6 same day. Yes.

7 Q That's what I'm getting to. So you received  
8 that -- so I'm just trying find the order.

9 A Yeah.

10 Q So you received the letter from Wells Fargo 03:38:55  
11 January 22, 2020, and you immediately went up to the  
12 office after that and submitted another one that  
13 same day?

14 A Yes.

15 Q Okay. Or another mortgage assistance 03:39:06  
16 application that same day?

17 A Yes, because I didn't want any issues.

18 Q Okay. All right. So here we are. And  
19 there's another application that you have filled  
20 out. This is dated -- and if you look at the back 03:39:19  
21 here where your signature is, this one is dated  
22 February 10th, 2020. Okay?

23 Do you remember filling out another one of  
24 these?

25 A Yes. Like I said, I filled out several. 03:39:37

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1 They kept asking for them, so I kept filling them  
2 out and filling them out and filling them out. So  
3 this is yet another application, yes.

4 Q So what I want you to do for me now is to  
5 take Exhibit 186. I think that's where we are. 03:39:54

6 A Yes.

7 Q And Exhibit 185. And I want to look at them  
8 side by side with you. 185. That one right there  
9 (indicating).

10 A Okay. 03:40:06

11 Q So let's go through these together.

12 So everything on the first two pages seems to  
13 be the same. Where we're going to talk about is  
14 page 3 of 6. Follow me?

15 A Yes. 03:40:26

16 Q Okay. Now, what we can see is at least --  
17 what we can see is at least on page 3 of 6 of both  
18 of these documents, Exhibit 185 and Exhibit 186,  
19 there's some differences there.

20 Agree with me? 03:40:42

21 A Yes.

22 Q Okay. So first difference we see is on  
23 Exhibit 186, which is the February application, of  
24 2020, you are disclosing unemployment benefit income  
25 of \$220, right? 03:40:54

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1 A Yes.

2 Q Okay. And then we see that you have pension  
3 disability -- and I'm assuming that this is just  
4 your disability award here of \$2,000?

5 A Yes. 03:41:10

6 Q Okay. And on 186 we still have this 807.  
7 We're going to call it rental income.

8 A Yes.

9 Q And then we have checking accounts and cash  
10 on hand. You say 1,000 here for checking accounts 03:41:20  
11 and cash on hand, correct?

12 A Yes.

13 Q And then for savings, you say \$3,000?

14 A Yes.

15 Q Savings, money market funds, et cetera, that 03:41:29  
16 category, you say \$3,000, right?

17 A Yes.

18 Q Lot more income disclosed on this February  
19 2020 application than the August 2019 application.

20 Wouldn't you agree? 03:41:51

21 A Yes.

22 MR. ELLIS: Objection. Vague.

23 THE WITNESS: I'm sorry.

24 BY MS. NEWSOME:

25 Q And then as to the January 22, 2020 03:41:55

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1 application, it does not have some of the same  
2 information that is in the February 10, 2020  
3 application.

4 Do you agree with that?

5 A Let me look. I'm sorry. 03:42:15

6 Correct.

7 Q Don't you think that this would trigger some  
8 questions from Wells Fargo as to what your income  
9 actually is?

10 MR. ELLIS: Objection. Speculation. 03:42:31

11 THE WITNESS: So I said that I'm an actor,  
12 and we've already established in this deposition  
13 that projects end. So -- and so that's been asked  
14 and answered in terms of projects being ended. So  
15 every time I'm going to get a new application, 03:42:52  
16 they're going to ask me for another application,  
17 there is absolutely and definitively a chance that  
18 my income is going to change, that other things are  
19 going to be added.

20 If this is a program that was supposed to be 03:43:10  
21 for people that are -- that present a hardship, then  
22 my previous applications should have been taken into  
23 account. But if you're going to -- if I tell you  
24 that I'm an actor and I tell you that I'm a writer,  
25 and I tell you that those -- that that is residual 03:43:31

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1 income, that's royalty income, there is a chance  
2 that every time I fill out a new application, you're  
3 going to get something else.

4 BY MS. NEWSOME:

5 Q Mr. Braxton, as of January 22, 2020, you had 03:43:44  
6 funds in your checking account, did you not?

7 A Yes.

8 Q And you had funds in your savings account,  
9 did you not?

10 A Yes. 03:43:56

11 Q And it has nothing to do with accepting  
12 projects and all of that. You're sitting here today  
13 saying you had funds in those accounts.

14 A Yes.

15 Q As of that date. 03:44:07

16 A I had the funds in those accounts prior to  
17 that date, which is why you asked for my bank  
18 statements and I sent them to you.

19 Q And it's not here on this application?

20 A Right. 03:44:16

21 Q And you knew as of January 22, 2020, that you  
22 were receiving unemployment benefits income?

23 A If that's what I -- if that's what I wrote,  
24 then --

25 Q That's what you wrote in October -- 03:44:32

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1 A Yeah.

2 Q -- to Wells Fargo. But you didn't put that  
3 on this application.

4 A Correct.

5 Q And Wells Fargo continued to ask you -- and 03:44:38  
6 we saw the documents -- in December 9, 2019, and  
7 again on January 22, 2020, we need a completed  
8 mortgage assistance application. That's what Wells  
9 Fargo was asking for, right?

10 A Right. 03:44:55

11 Q And you admit here today that those first two  
12 applications were not complete?

13 A Well, I sent -- no. No. I actually sent  
14 them -- I screenshot the unemployment, I screenshot  
15 that and uploaded it to your portal. 03:45:13

16 Q Wells Fargo --

17 A But it is not on this application.

18 Q And Wells Fargo was asking for you to give  
19 them a completed application, right?

20 A Right. 03:45:25

21 Q My last question on this -- well, maybe --  
22 Mr. Braxton, when it comes to this February 10, 2020  
23 mortgage assistance application, do you contend that  
24 that application is complete?

25 A I contend that all the applications were 03:46:20



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1 Did you ever ask Wells Fargo to explain the  
2 difference between a loan modification and refinance  
3 application?

4 MR. ELLIS: Objection. Beyond the scope.

5 THE WITNESS: So did I ever ask them to 05:44:42  
6 explain the difference? No, I did not. I assumed  
7 that it was just part of the -- it was a special  
8 program within the refinancing cat.

9 BY MS. NEWSOME:

10 Q Before you is a letter dated October 30th, 05:45:01  
11 2019.

12 Do you see that?

13 A Yes.

14 Q And it was -- it's addressed to you by Wells  
15 Fargo in regard to Account No. 1998. 05:45:09

16 Do you see that?

17 A Yes.

18 Q Okay. Do you recall receiving this letter?

19 A I do not recall receiving it, but I am going  
20 to probably affirm that I did receive it, especially 05:45:23  
21 since the payments are the exact same payments that  
22 are on my credit report.

23 Q All right. So this says:

24 "After carefully reviewing the

25 information you have provided, Wells 05:45:36

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1 Fargo is pleased to inform you that  
2 you have been approved to enter into a  
3 plan under Wells Fargo home equity  
4 unemployment program."

5 Do you see that?

05:45:46

6 A Oh, I'm sorry. Yes, yes, yes.

7 Q It says:

8 "Please read this letter so that  
9 you understand the terms and  
10 conditions of this plan -- of the  
11 plan."

05:45:55

12 Do you see that?

13 A Yes.

14 Q Okay. It says here:

15 "To accept or decline this offer,  
16 please give me a call within 15 days  
17 from the date at the top of this  
18 letter."

05:46:01

19 Do you see that?

20 A Yes.

05:46:07

21 Q Okay. Follow me thus far, right?

22 So it says:

23 "Once you accepted the offer,  
24 please send us your payments by the  
25 dates indicated below."

05:46:15

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1 And you see these payments?

2 A Yes.

3 Q Okay. Mr. Braxton, did you, in fact, accept  
4 this offer to have lower payments on this particular  
5 loan ending in 1998?

05:46:28

6 A Absolutely.

7 Q Okay. Now, it says here:

8 "What you should know before  
9 calling to accept this offer."

10 Do you see that?

05:46:38

11 A Yes.

12 Q It says here on the first one:

13 "If you accept this offer, a  
14 foreclosure sale may not occur as long  
15 as you make your payments on time and  
16 meet other requirements."

05:46:54

17 Do you see that?

18 A Yes.

19 Q It says:

20 "However, this offer ends with  
21 any delayed payments."

05:46:58

22 Did you understand that?

23 A "This offer ends with any delayed payments."

24 Q Uh-huh.

25 A Yes, I understand this.

05:47:07

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1 Q Okay. And the second bullet point here:

2 "If you accept this short-term  
3 assistance, it may impact your credit  
4 score. See Section B."

5 Do you see that? 05:47:19

6 A Yes.

7 Q Did you read this document before you  
8 accepted the short-term assistance?

9 A I probably didn't read the entire -- in its  
10 entirety. I saw the 115 and I was very happy with 05:47:32  
11 that.

12 Q Understood. But you testified earlier that  
13 you were unaware and you didn't know why your credit  
14 score was being dinged for making those payments.

15 Does this explain a little bit of that here? 05:47:47

16 A We are offering -- if you accept -- it may  
17 impact your credit score.

18 Q And it says, "See Section B."

19 A I see that, but it says "may." It doesn't  
20 say "will." There's -- we can run -- it does say 05:48:01  
21 "may." So I was unaware that making those payments  
22 was going to impact my credit score.

23 Q Okay. All right. And Section B is on -- if  
24 you keep rolling here, Wells Fargo provides  
25 additional details regarding accepting the 05:48:27

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1 assistance, correct?

2 A I'm sorry. I --

3 Q If you scroll over -- I mean, turn over to  
4 Section B, because it says, "See Section B."

5 A "See Section B." 05:48:40

6 Q Yep. And if you keep turning over, you'll  
7 see a list --

8 A Where is Section B? On the next page?

9 MR. ELLIS: Right here (indicating).

10 THE WITNESS: Okay. 05:48:53

11 BY MS. NEWSOME:

12 Q It says:

13 "Choosing to accept this  
14 assistance could negatively impact  
15 your credit score. We'll continue to 05:49:00  
16 report the past due status of your  
17 loan to the consumer reporting  
18 agencies while you're receiving this  
19 assistance."

20 Do you see that? 05:49:11

21 A Yes.

22 Q So Wells Fargo did, in fact, tell you that it  
23 was going to continue to report the past due status  
24 of your loan to the consumer reporting agencies  
25 while you were receiving that assistance, correct? 05:49:21

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1 A That is in this document, yes.

2 MS. NEWSOME: No further questions.

3

4 FURTHER EXAMINATION

5 BY MR. ELLIS: 05:49:28

6 Q Yeah. And Counsel didn't read the last  
7 sentence, but I want to read it for you so you're  
8 not misled.

9 And the last sentence says:

10 "We will also report the account 05:49:38  
11 as paying under a partial or modified  
12 payment agreement."

13 Do you see that in Section B of Exhibit 196?

14 A Yes, I do see that.

15 Q Now, take a look at Exhibit 195. Do you see 05:49:55  
16 anywhere on here where it says that you're being  
17 paid under a partial or modified payment?

18 A No.

19 Q It doesn't say that at all, does it?

20 A Not only that, but it also -- 05:50:08

21 Q Hold on. I get to -- I went to law school.

22 A So sorry, bro.

23 Q All right. And so, actually, what is on  
24 Exhibit 196, it says, "PUP Forbearance Plan" at the  
25 bottom of the document. 05:50:21

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## C E R T I F I C A T E

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

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13

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

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I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

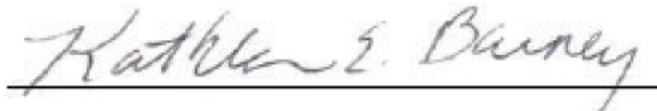
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Dated: 11/27/23



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KATHLEEN E. BARNEY

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